

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE, ET AL.**

PLAINTIFFS

VS.

CASE NO. 3:23-cv-00272-HTW-LGI

**TATE REEVES, in his official capacity
As Governor of the State of Mississippi, ET AL.**

DEFENDANTS

**STATE DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION RE H.B. 1020 § 4 AND § 5 [DKT. #110]**

Defendants Sean Tindell, in his official capacity as Commissioner of the Mississippi Department of Public Safety, Bo Luckey, in his official capacity as Chief of the Mississippi Department of Public Safety Office of Capitol Police, and Lynn Fitch, in her official capacity as Attorney General of the State of Mississippi, (hereinafter collectively "Defendants") by and through counsel, file this their response in opposition to *Plaintiffs' Motion for a Preliminary Injunction re H.B. 1020 § 4 and § 5* [Dkt. #110], and in support thereof would show unto the Court the following:

1. Plaintiffs' motion for a preliminary injunction should be denied because (1) Plaintiffs lack standing to obtain the extraordinary relief that they demand; (2) their claim fails on the merits; and (3) they flunk all remaining preliminary injunction requirements.

2. Defendants adopt and incorporate by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the *Memorandum of Authorities in Support of State Defendants' Response in Opposition to Plaintiffs' Motion for a Preliminary Injunction re H.B. 1020 § 4 and § 5* [Dkt. #110], being filed contemporaneously herewith.

3. On the basis of the grounds asserted herein and as further set forth in the aforementioned memorandum of authorities, Plaintiffs' motion should be denied.

4. In further support of their oppositional response, Defendants submit the following:

Exhibit "A" 2/07/22 Mississippi Free Press Article

Exhibit "B" Declaration of Wesley "Bo" Luckey

Exhibit "C" 11/08/23 WAPT Article

Exhibit "D" 11/09/23 AP Article

Exhibit "E" 1/12/15 Clarion-Ledger Article

Exhibit "F" 8/18/17 WLBT Article

Exhibit "G" 11/01/21 WLBT Article

Exhibit "H" 10/17/23 AP Article

Exhibit "I" Declaration of Glenn Kornbrek

Exhibit "J" 8/17/18 Clarion-Ledger Article

Exhibit "K" Misc. Articles (Composite)

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court make and enter its Order denying Plaintiffs' motion for a preliminary injunction [Dkt. #110] in its entirety and dismissing Plaintiffs' CCID Court claims.

THIS the 7th day of December, 2023.

Respectfully submitted,

SEAN TINDELL, in his official capacity as
Commissioner of the Mississippi Department of
Public Safety; BO LUCKEY, in his official capacity
as Chief of the Mississippi Department of Public
Safety Office of Capitol Police; and LYNN FITCH,
in her official capacity as Attorney General of the
State of Mississippi, DEFENDANTS

By: LYNN FITCH, ATTORNEY GENERAL
FOR THE STATE OF MISSISSIPPI

By: s/Rex M. Shannon III
REX M. SHANNON III (MSB #102974)
Special Assistant Attorney General

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ATTORNEYS FOR DEFENDANTS SEAN TINDELL,
in his official capacity as Commissioner of the Mississippi
Department of Public Safety; BO LUCKEY, in his
official capacity as Chief of the Mississippi Department
of Public Safety Office of Capitol Police; and LYNN FITCH,
in her official capacity as Attorney General of the State of Mississippi

CERTIFICATE OF SERVICE

I, Rex M. Shannon III, Special Assistant Attorney General and one of the attorneys for the above-named defendants, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record.

THIS the 7th day of December, 2023.

s/Rex M. Shannon III
REX M. SHANNON III